

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANTHONY BENNETT,

Plaintiff,

-v-

6:23-CV-156

JANET YELLEN *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

ANTHONY BENNETT

Plaintiff, Pro Se

STARC Oakview Campus

9005 Old River Road

P.O. Box 300 C# 54176 Bldg 41

Marcy, NY 13403

DAVID N. HURD

United States District Judge

ORDER ON REPORT & RECOMMENDATION

On February 6, 2023, *pro se* plaintiff Anthony Bennett (“plaintiff”), who is currently civilly committed in a Secure Treatment and Rehabilitation Center (“STARC”) in Oneida County, New York, filed this *qui tam* action under the False Claims Act (“FCA”) alleging, *inter alia*, that various federal officials have violated the law by continuing to detain him. Dkt. No. 1. Because the

case was filed as a *qui tam* action, the Clerk of the Court initially docketed the pleading under seal. Dkt. No. 6; *see also* 31 U.S.C. § 3730(b)(2).

On March 30, 2023, U.S. Magistrate Judge Thérèse Wiley Dancks conducted an initial review of the complaint, ordered the case unsealed, and advised by Report & Recommendation (“R&R”) that plaintiff’s pleading be dismissed without leave to amend. Dkt. No. 8. As Judge Dancks explained, plaintiff’s complaint advances theories of relief under the FCA that have already been determined to be frivolous; *i.e.*, plaintiff’s claims lack an arguable basis in law or fact. *Id.* Accordingly, Judge Dancks determined that plaintiff’s claims in this action were frivolous as well.

Judge Dancks went on to note that plaintiff, proceeding *pro se*, previously filed a civil action in this District in which he attempted to invoke admiralty jurisdiction on the theory that he is a “vessel” within the meaning of the relevant law. Dkt. No. 8. That action was dismissed as frivolous, too. *Id.* As a final matter, Judge Dancks warned plaintiff that “continued repetition of frivolous litigation may result in an order barring him from filing new actions without prior permission in this District.” *Id.*

Plaintiff has filed objections. Dkt. No. 9. Upon *de novo* review of the portions to which plaintiff has objected, the R&R is accepted and will be adopted in all respects. *See* 28 U.S.C. § 636(b)(1)(C).

Therefore, it is

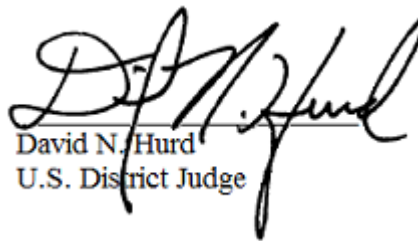
ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. Plaintiff's complaint is DISMISSED without prejudice but without leave to replead.

The Clerk of the Court is directed to close the file.

IT IS SO ORDERED.

Dated: April 17, 2023
Utica, New York.



David N. Hurd
U.S. District Judge